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**DISTRICT I/IV**

September 18, 2017

To:

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You are hereby notified that the Court has entered the following opinion and order:

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2016AP1802-CRNM      State of Wisconsin v. Ricardo Bonilla, Jr. (L.C. # 2015CF1639)

Before Lundsten, P.J., Sherman and Blanchard, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Ricardo Bonilla, Jr., appeals a judgment of conviction entered upon his guilty plea to one count of burglary, contrary to WIS. STAT. § 943.10(1m)(a) (2013-14).<sup>1</sup> Bonilla's appellate

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<sup>1</sup> All further references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Bonilla received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the no-merit report and our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

According to the criminal complaint, in March 2015 police responded to a report of a residential burglary. The complainant reported that she returned home from work to discover that her residence was ransacked. She told police that certain electronics items were missing and that she had not given anyone permission to take her property. A neighbor provided the police with video surveillance footage of the burglary and, after it was played on the news, a woman came forward and told police that she had been with Bonilla when he committed the burglary.

Pursuant to a plea bargain, Bonilla pled guilty to the burglary charge, and the State agreed to recommend a prison sentence of no specific length. Explaining that Bonilla's extended supervision in another case had been revoked due to the burglary charge, trial counsel recommended three years of initial confinement followed by three to four years of extended supervision, to run concurrent with his eight-year revocation sentence. The circuit court imposed a six-year bifurcated sentence, with three years each of initial confinement and extended supervision, to run consecutive to his previously imposed sentence.

The no-merit report addresses the potential issues of whether Bonilla's plea was freely, voluntarily, and knowingly entered, and whether his sentence was the result of an erroneous exercise of discretion. Having conducted an independent review of the record, this court is satisfied that the no-merit report properly analyzes the issues it raises as without arguable merit.

The circuit court engaged in an appropriate plea colloquy and made the necessary advisements and findings required by WIS. STAT. § 971.08(1); *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986); and *State v. Hampton*, 2004 WI 107, ¶38, 274 Wis. 2d 379, 683 N.W.2d 14. Additionally, the circuit court properly relied upon Bonilla's signed plea questionnaire, attachments, and addendum to establish his knowledge and understanding of his plea. See *State v. Hoppe*, 2009 WI 41, ¶¶30-32, 317 Wis. 2d 161, 765 N.W.2d 794; *State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987). After ascertaining from Bonilla that the allegations in the complaint were "true and correct" and upon trial counsel's agreement that there was a factual basis for the charge, the circuit court accepted Bonilla's plea and found him guilty. We agree with appellate counsel that no issue of arguable merit arises from the plea-taking procedures in this case.

In fashioning the sentence, the court considered the seriousness of the offense, Bonilla's character, and the need to protect the public. See *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The court considered the burglary to be "a serious offense," stating that the victim lost not only her property but also "a sense of safety and security." In terms of Bonilla's character, the court considered Bonilla's acceptance of responsibility and willingness to quickly resolve the case to be mitigating factors but stated that it was troubled by the fact that Bonilla committed the burglary while on extended supervision. The sentencing court noted: "You essentially had time hanging over your head, and it really didn't matter." The court determined that Bonilla's drug addiction and lack of regard for serious consequences made him dangerous, and that confinement in prison was necessary to address his "extensive treatment needs" and "to impose a period of retribution." The sentence was a demonstrably proper exercise of discretion. See *State v. Gallion*, 2004 WI 42, ¶41, 270 Wis. 2d 535, 678 N.W.2d 197

(the court is to identify the general objectives of most importance). Further, we cannot conclude that the six-year sentence when measured against the possible maximum of twelve and one-half years is so excessive or unusual as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our review of the record discloses no other potential issues for appeal.<sup>2</sup> Accordingly, this court accepts the no-merit report, affirms the judgment, and discharges appellate counsel of the obligation to further represent Bonilla in this appeal. Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See WIS. STAT. RULE 809.21.*

IT IS FURTHER ORDERED that Attorney Paul G. Bonneson is relieved from further representing Ricardo Bonilla, Jr., in this appeal. *See WIS. STAT. RULE 809.32(3).*

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*

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<sup>2</sup> Bonilla’s plea forfeited the right to raise nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886. The signed addendum to his plea questionnaire demonstrates Bonilla’s understanding that, by entering a guilty plea, he was giving up his “right to challenge the constitutionality of any police action” and his ability to raise defenses such as alibi, involuntary intoxication, insanity, or mistake.